IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 139 OF 1999

Bhaskar Satyanarayan .....Petitioner.

V/s

The State of Maharashtra & Anr. ..... Respondents.

Ms. Ameeta Kuttikrishnan for the Petitioner.

Mr S.S. Tatakare, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 9th March, 2007

P.C.:

1. Heard the learned Counsel appearing on behalf of the Petitioner and the learned APP for the State.

2. Petitioner is challenging the judgment and order dated 15th June, 1999 passed by the learned Additional Sessions Judge, Greater Bombay in Criminal Appeal No. 3 of 1998 arising out of the judgment and order dated 20th December, 1997 passed by the learned Additional Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai in CC No.533/P/94.

3. Brief facts are as under:-

4. The prosecution case is that on 30th August 1994, at about 10.20 to 10.30 p.m., the Petitioner was driving his motor car in a rash and negligent manner and dashed another motor car, as a result of which serious injury was caused to the complainant and three other persons who were in the other car. FIR was lodged. Panchanama was prepared. The Trial Court convicted the accused and sentenced him to suffer rigorous imprisonment for two months and to pay a fine of Rs 1000/- and, in default, to suffer simple imprisonment for 30 days.

5. Being aggrieved by the said order, the Petitioner preferred an appeal in the Court of Sessions for Greater Bombay. The lower Appellate Court confirmed the conviction awarded by the Trial Court. However, the sentence was reduced from two months to 45 days and the amount of fine was increased from Rs 1000/- to Rs 2000/-.

6. The learned Counsel appearing on behalf of the Petitioner has taken me through the judgment and order of the Trial Court and the Appellate Court. She submitted that the quantum of sentence imposed by the Sessions Court was extremely harsh and disproportionate. She submitted that no person has received any grievous injury and it was not a case of fatal accident. She submitted that, therefore, the conviction and sentence was liable to be set aside. She also submitted that, even otherwise, evidence on record was not properly appreciated by both the courts below.

7. I have perused the judgment and order of both the Courts below. The scope of power of the High Court while exercising revisional jurisdiction is very limited. After having perused the judgment and order of both the Courts below, I do not see any infirmity in the findings which are given by the lower Courts.

8. The conviction, therefore, of the Petitioner is maintained. However, looking at the facts and circumstances of the case, the sentence which is awarded by the lower Appellate Court is reduced from 45 days to the number of days which the Petitioner has already undergone in prison. The amount of fine, however, is not altered.

9. Criminal Revision Application is partly allowed in the above terms.

10. Criminal Revision Application is accordingly disposed of.

(V.M. KANADE, J.)